

# ***NEWS RELEASE***

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***OFFICE OF THE UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF CALIFORNIA  
San Diego, California***

***United States Attorney  
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***For Immediate Release***

**NEWS RELEASE SUMMARY** - December 6, 2006

United States Attorney Carol C. Lam announced today four separate indictments charging four individuals with federal firearms and drug trafficking violations. The charges stem from an investigation conducted by agents from the Bureau of Alcohol, Tobacco, Firearms, and Explosives which targeted the sale of illegal firearms.

A federal grand jury sitting in San Diego handed up three indictments on Thursday, November 30, 2006, which were unsealed today; the fourth indictment was handed up today. According to the indictments, Jesus Armando Leyva-Lopez, Omar Valencia, Nicomedes Peralta Garcia, and Robert Garcia are each charged separately with being a felon in possession of a firearm. Leyva-Lopez and Valencia are also charged with methamphetamine distribution. Leyva-Lopez is also charged with being an illegal alien in possession of a firearm. Robert Garcia is also charged with dealing in firearms without a license. The following firearms were purchased by undercover agents during this investigation:

Winchester Model 70 .243 Rifle;

Russian-made SKS-45, 7.62 x 39 Assault Rifle;

A sawed-off, High standard Model 20, 12 gauge pump-action shotgun;

A Heckler & Koch model USP Compact .45 caliber pistol;

A Enfield model No. 4 mk1/2 .303 caliber rifle and eight rounds of .303 caliber ammunition;

A Remington 12 gauge shotgun;

A Russian-made type SKS 7.62 x 39 rifle; and

A Mossberg model 500A 12 gauge shotgun.

According to Assistant U.S. Attorneys Randy K. Jones and Michael G. Wheat, who are prosecuting the cases, three of the defendants were arraigned on the charges earlier today before Magistrate Judge William McCurine, Jr. and entered not guilty pleas. Jesus Armando Leyva-Lopez is currently in state custody and will be arraigned on the indictment at a later date. The defendants are next scheduled to be in court on December 8, 2006 at 2:00, before Magistrate Judge McCurine for a detention hearing.

United States Attorney Lam said, "Felons know they can't possess guns. If they do, they end up right back in prison."

### **DEFENDANTS**

Jesus Armando Leyva-Lopez      **Case Number:** 06CR2545-WQH

Omar Valencia      **Case Number:** 06CR2543-W

Nicomedes Peralta Garcia      **Case Number:** 06CR2544-JM  
A.k.a. Marco Antonio Peralta

Robert Garcia      **Case Number:** 06CR2561-W

### **SUMMARY OF CHARGES**

Title 18, United States Code, Section 922(g)(1) and 924(a)(2) - Felon in Possession of a Firearm  
Maximum Penalties: 10 years in prison and a \$250,000 fine. (All Defendants)

Title 21, United States Code, Section 841(a)(1) - Distribution of Methamphetamine  
Maximum Penalties: Mandatory minimum 10 years in prison (Defendants Leyva-Lopez & Valencia)

Title 18, United States Code, Section 922(g)(5) - Illegal Alien in Possession of Firearm  
Maximum Penalties: 10 years in prison and a \$250,000 fine. (Defendant Leyva-Lopez)

Title 8, United States Code, Section 1326 - Deported Alien Found in United States  
Maximum Penalties: 20 years in prison and a \$250,000 fine. (Defendant Leyva-Lopez)

Title 26, United States Code, Section 5861(d) - Possession of Unregistered Firearm  
Maximum Penalties: 10 years in prison and a \$10,000 fine. (Defendant Peralta Garcia)

Title 18, United States Code, Section 922(a)(1)(A) - Dealing Firearms without a license  
Maximum Penalties: Five years in prison and a \$250,000 fine. (Defendant Robert Garcia)

### **AGENCY**

Alcohol, Tobacco, Firearms and Explosives

**An indictment itself is not evidence that the defendants committed the crimes charged. The defendants are presumed innocent until the Government meets its burden in court of proving guilt beyond a reasonable doubt.**